



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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August 20, 2015

Chestnut Street, LLC
c/o Wayne Park
341 Chestnut Street
Morgantown, WV 26505

**RE: CU15-08 / Chestnut Street, LLC / 341 Chestnut Street
Tax Map 26A, Parcel 79**

Dear Mr. Park:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced conditional use petition for "Restaurant, Private Club" use at 341 Chestnut Street. The decision is as follows:

Board of Zoning Appeals, August 19, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved the proposed conditional "Restaurant, Private Club" under Case No. CU15-08 with the following conditions:
 - A. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06(27) of the Planning and Zoning Code.
 - B. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*.
 - C. To ensure that the petitioner's business description and plans are executed as described and considered in granting the one-year "bona fide restaurant" waiver, the subject "Restaurant, Private Club" use must:
 1. Be open no later than 11:00 a.m. Monday through Friday for the purpose of serving lunch as described in the menu submitted with the petitioner's conditional use application.
 2. That the petitioner shall voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, Private Club" use to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.

- D. That the "Restaurant, Private Club" use granted herein shall be limited to the interior design and identified areas of the subject building as illustrated on the drawings submitted with the application and reviewed and approved by the Board of Zoning Appeals. Any expansion of the conditional use or significant deviation from said interior layout design must first be approved by the Board of Zoning Appeals.
- E. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.
- F. That the conditional use approval granted herein to *Chestnut Street, LLC* may not be transferred without prior approval by the Board of Zoning Appeals.

The approval of this conditional use is set to expire in twelve (12) months unless you can demonstrate that it has been acted upon as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that requisite building permits must be obtained prior to the commencement of any work for which approval was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and approval needs.

Respectfully,

A handwritten signature in cursive script, reading "Stacy Hollar".

Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantown.org

ADDENDUM A – Approved Findings of Fact
CU15-08 / Chestnut Street, LLC / 341 Chestnut Street

Finding of Fact No. 1 – Congestion in the streets is not increased, in that:

The subject site has been previously occupied by restaurant establishments serving liquor without appreciable contribution to existing vehicular traffic volumes within the immediate area.

Finding of Fact No. 2 – Safety from fire, panic, and other danger is not jeopardized, in that:

All fire and safety are or will be updated and inspected to assure all are up to Fire and Safety Code Standards

Finding of Fact No. 3 – Provision of adequate light and air is not disturbed, in that:

The proposed conditional “Restaurant, Private Club” use does not include any horizontal or vertical additions to the existing building that would alter present light distribution or air flow patterns.

Finding of Fact No. 4 – Overcrowding of land does not result, in that:

The subject site has been previously occupied by restaurant establishments serving liquor and not additions to the existing tenant leasable space, building footprint, or building height proposed.

Finding of Fact No. 5 – Undue congestion of population is not created, in that:

A residential use component is not proposed as a part of the conditional “Restaurant, Private Club” use thereby not resulting in an increase in residential density.

Finding of Fact No. 6 – Granting this request will not create inadequate provision of transportation, water, sewage, schools, parks, or other public requirements, in that:

The proposed conditional “Restaurant, Private Club” use should not increase the demand for public services, facilities, or utilities above that present and serving previous restaurant uses within the subject tenant space.

Finding of Fact No. 7 – Value of buildings will be conserved, in that:

The value of buildings within the immediate does not appear to have been diminished by other restaurant establishments serving liquor that have previously occupied the subject tenant space.

Finding of Fact No. 8 – The most appropriate use of land is encouraged, in that:

The subject tenant space has been occupied over the last several years by other restaurant establishments serving liquor.